

United States District Court

APR 28 2015

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Cesar Martinez-Martinez *PRINCIPAL*
A202 085 537 YOB: 1983
the United Mexican States

Case Number:

M-15-0662-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 26, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Juan Jose Pacheco-Barillas and Jose Elias Castaneda-Mata, citizens and nationals of El Salvador, along with fourteen (14) other undocumented aliens, for a total of sixteen (16), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Alamo, Texas to the point of arrest near Alamo, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 26, 2015, at approximately 09:00 a.m., Border Patrol Agents Ricardo Alaniz, Sean Travers, and Manuel Garza were responding to a concerned citizen call to the Weslaco station. The unidentified caller provided information about a dark blue minivan loading up suspected undocumented aliens near Krenmueller farms. Agents approached Angle road and Tower Road, agents observed Texas DPS Trooper Erik Gaston was on a vehicle stop with a vehicle matching the description called to Weslaco Border Patrol Station. Trooper Gaston had one subject in handcuffs, and informed agents that at least one more person had fled from the vehicle. As agents approached the van they were able to observe multiple subjects still piled within the vehicle. Agent Ricardo Alaniz found foot sign of one subject leading west away from the passenger van into a muddy corn field. Agent Alaniz followed the foot sign and apprehended an additional subject. Foot sign of one other subject was found leading east away from the van into a canal. Agent Alaniz once again followed this foot sign and apprehended the subject later identified as Cesar MARTINEZ-Martinez. As the subject was escorted back to the van he provided excited utterances admitting to being the driver of the Chrysler minivan. A total of 17 subjects were placed under arrest and transported to the Weslaco Border Patrol Station for case processing.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by

David A. Lindemore 4/28/15

Sworn to before me and subscribed in my presence,

April 28, 2015
Date

8:49 am at

Israel Perez Senior Patrol Agent
Printed Name of Complainant

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-0662-M

RE: Cesar Martinez-Martinez

A202 085 537

CONTINUATION:

PRINCIPLE STATEMENT:

At the Weslaco Border Patrol Station, Cesar MARTINEZ-Martinez was informed of his Miranda Rights by Border Patrol Agents. MARTINEZ-Martinez stated that he understood his rights and agreed to answer questions without a lawyer present.

Cesar MARTINEZ-Martinez, a citizen and national of Mexico, claims that he last entered the country through the Pharr, Texas Port of Entry using his B1/B2 visa on April 24, 2015. He further claims that he was contacted by a person known to him only as "Rolo" and he was offered \$500 to pick up seven undocumented aliens. He states that he was told to pick a group of undocumented aliens on Military Highway near Tower Road. MARTINEZ-Martinez stated that when he arrived at the pickup point, more than seven undocumented aliens loaded into his van. He claimed to not knowing the exact number but it was more than the first agreed seven. Further instructions were going to be provided to him by telephone once he picked up the subjects and he was going to be told where to drop them off.

MATERIAL WITNESS STATEMENTS:

Juan Jose PACHECO-Barillas and Jose Elias CASTANEDA-Mata were advised of their Miranda Rights as per service form I-214 in the Spanish language both signed the form indicating that they understood their rights and were willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS #1

Juan Jose PACHECO-Barillas, a citizen and national of El Salvador, claims that he last entered the United States on April 26, 2015 near Alamo, Texas by rafting across the Rio Grande River. Subject PACHECO-Barillas claims that his mother made the smuggling arrangements for him and that she was going to pay \$7,500 for him to be smuggled into the country. PACHECO-Barillas also claimed to have crossed into the United States with 15 others and a foot guide. After crossing into the United States PACHECO stated the group walked to a nearby street to wait for the black van. He further stated the group then loaded into a black minivan and he sat behind the driver. PACHECO stated that the majority of the group sat on the floor of the van. He was shown a six person CBP photo lineup to which he easily and readily identified MARTINEZ-Martinez, Cesar as the driver of the minivan in which he was apprehended. During the sworn statement, PACHECO-Barillas stated that he feared for his life when the driver jumped from the van while it was still moving. He stated that the driver fled from the vehicle once the police pulled up behind them.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

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RE: Cesar Martinez-Martinez

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CONTINUATION:

MATERIAL WITNESS #2

Jose Elias CASTANEDA-Mata, a citizen and national of El Salvador, claims that he last entered the United States on April 26, 2015 near Alamo, Texas by rafting across the Rio Grande River. Subject CASTANEDA-Mata claims that he made his own smuggling arrangements in El Salvador with a smuggler who was a Guatemalan national. He also claims that he never saw the smuggler but only spoke with him via telephone. CASTANEDA-Mata claims that he was to pay the smugglers \$7,500 to be smuggled to Houston, Texas and had already paid \$5,000 to the smugglers. CASTANEDA-Mata claimed that he crossed with a group of 15 and a guide. After crossing into the United States, CASTANEDA stated that the group ran to a street near the river where the driver in a black minivan waived the group over. He stated that he was sat to the rear of the van on the floor. He was shown a six person CBP photo lineup to which he easily and readily identified MARTINEZ-Martinez, Cesar as the driver of the minivan in which he was apprehended.